

County Council Of Howard County, Maryland

2005 Legislative Session

Legislative Day No. **1**

Resolution No. 9 -2005

Introduced by: The Chairman at the request of the County Executive

A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into an amended and restated license agreement with Howard County Youth Programs, Inc. for the use of certain County-owned property known as the Kiwanis-Wallis Park; and generally relating to the use of Kiwanis-Wallis Park by Howard County Youth Programs, Inc.

Introduced and read first time _____, 2005.

By order _____
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2005.

Certified By _____
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 4.106(d)(2) of the Howard County Code provides that the County
2 Council may, by Resolution, authorize the County Purchasing Agent to waive either informal or
3 formal competitive bidding requirements for any single purchase or sale if, in the judgment of
4 the Council, the waiver will best serve the interests of the County; and
5

6 **WHEREAS**, Howard County, Maryland is the fee simple owner of 23.132 acres, more or
7 less, located in the Second Election District of Howard County, Maryland, shown as parcel 73 on
8 tax map 23, block 6, which is improved by a brick building known as the Kiwanis-Wallis
9 Recreation Center, a wooden building known as the equipment storage building, a snack bar,
10 parking area, access road, practice area, public restrooms, practice fields and ball fields with
11 fences, lights, dugouts, and bleachers (the “Property” or the “Kiwanis-Wallis Park”); and
12

13 **WHEREAS**, Howard County Youth Programs, Inc. (“HCYP”) is a private, non-profit
14 corporation organized to provide educational and recreational activities for the citizens of
15 Howard County; and
16

17 **WHEREAS**, in 1992 the County and HCYP entered into a License and Agreement (the
18 “Agreement”), a copy of which is attached as “Exhibit A”, which granted a license to use a
19 portion of the Property for softball and baseball programs and to use the equipment storage
20 building, snack bar, practice area, public restroom and ball fields; and
21

22 **WHEREAS**, the County and HCYP now wish to enter into an Amended and Restated
23 License and Agreement, a copy of which is attached as “Exhibit B”, to extend the property
24 licensed to HCYP to include 170 square feet of the County-owned building known as the
25 Kiwanis-Wallis Recreation Center which shall be used by HCYP as an administrative office; and
26

27 **WHEREAS**, the Amended and Restated License and Agreement will also extend the
28 term of the license to June 15, 2012, with the option to renew for 3 five year terms; and
29

30 **WHEREAS**, the Director of the Department of Recreation and Parks has determined that
31 the continued use by HCYP of the Property is in the best interest of the County.

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
2 Maryland, this _____ day of _____, 2005, pursuant to Section 4.106(d)(2) of the
3 Howard County Code, that it declares that the best interests of the County will be served, and
4 that it authorizes the County Purchasing Agent to waive the competitive bidding requirements of
5 Subtitle 1 “Purchasing” of Title 4 “Contracts, Purchasing and Property” of the Howard County
6 Code in order to allow the County to enter into an Amended and Restated License and
7 Agreement with HCYP for the continued use of certain County-owned property, to extend the
8 license to include the Kiwanis-Wallis Recreation Center as an administrative office and to extend
9 the term of the license to June 15, 2012, with an option to renew; and
10

11 **BE IT FURTHER RESOLVED**, that the County Executive is hereby authorized to
12 execute and deliver the Amended and Restated License and Agreement in the name and on
13 behalf of the County in substantially the same form as the Amended and Restated License and
14 Agreement attached hereto as Exhibit B.